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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 CHRISTOPHER C. PRESTON,

12 Defendant.

CASE NO. CR11-5537 BHS

ORDER DENYING
DEFENDANT'S MOTION TO
AMEND JUDGMENT

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14 This matter comes before the Court on Defendant Christopher Preston's
15 ("Preston") motion to amend judgment (Dkt. 41). The Court has considered the pleadings
16 filed in support of and in opposition to the motion and the remainder of the file and
17 hereby denies the motion for the reasons stated herein.

18 Although Preston moves the Court to "amend judgment," Preston is actually
19 requesting the Court to issue a new sentence that accounts for time served in federal
20 custody for a violation of state parole. Dkt. 42. Fed. R. Crim. P. 36, however, vests the
21 Court with authority to only correct a "clerical error." Revising a sentence based on
22 information or argument that was not presented to the Court during sentencing is not a

1 clerical error. Moreover, Preston has made no showing that the Court intended Preston to
2 serve the requested sentence of 12 months and 1 day, as opposed to the imposed sentence
3 of 14 months. Therefore, the Court denies Preston's motion.

4 **IT IS SO ORDERED.**

5 Dated this 20th day of November, 2012.

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8 BENJAMIN H. SETTLE
9 United States District Judge
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